

MINUTES OF THE COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE
MONDAY, MAY 11, 2009 AT 7:30 P.M.

Present: **Chair:** Mayor Leonard
Council: Councillors Brice, Brownoff, Derman, Gerrard, Murdock, Sanders, and Wergeland
Staff: Tim Wood, Administrator; Russ Fuoco, Director of Planning; Colin Doyle, Director of Engineering; Donna Dupas, Deputy Manager of Legislative Services; and Shirley Leggett, Senior Committee Clerk

Minutes **ADOPTION OF MINUTES**

MOVED by Councillor Brownoff and Seconded by Councillor Brice: "That the Minutes of the Council and Committee of the Whole Meetings held May 4, 2009, and the Minutes of the Special Council Meeting held April 28, 2009, be adopted."

CARRIED

RESOLUTIONS FOR ADOPTION

ADM115-AVICC
Annual Dues

ASSOCIATION OF VANCOUVER ISLAND AND COASTAL COMMUNITIES (AVICC) – ANNUAL DUES

Invoice from the AVICC requesting payment of the 2009 annual dues in the amount of \$9,018.56.

MOVED by Councillor Brownoff and Seconded by Councillor Derman: "That Council authorize the payment of \$9,018.56 to the Association of Vancouver Island and Coastal Communities for the 2009 Annual Dues."

CARRIED

Adjournment On a motion from Councillor Brownoff, the meeting adjourned at 7:31 p.m.
The meeting reconvened at 8:25 p.m.

RECOMMENDATIONS

From the Committee of the Whole Meeting held May 11, 2009

Cordova Bay Rd.
Development
Variance Permit

3917 CADBORO BAY ROAD – DEVELOPMENT VARIANCE PERMIT – ELIZABETH AND ROLAND BEAULIEU

MOVED by Councillor Wergeland and Seconded by Councillor Gerrard: "That Council approve and issue Development Variance Permit DVP00265 on Lot C, Section 44, Victoria District, Plan 14495 (3917 Cadboro Bay Road)."

CARRIED,
with Councillors Brownoff, Murdock, and Sanders voting against.

Leabrook Place
Heritage Alteration
Permit

**1824 LEABROOK PLACE – HERITAGE ALTERATION PERMIT – BOB
AND BRANDIE YARISH**

**MOVED by Councillor Brownoff and Seconded by Councillor Derman:
“That Council approve and issue Heritage Alteration Permit No.
HAP00001 on Lot 1, Section 84, Victoria Land District, Plan 29592 (1824
Leabrook Place).”**

CARRIED

Adjournment

On a motion from Councillor Sanders, the meeting adjourned at 8:26 p.m.

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MAYOR

I hereby certify these Minutes are accurate.

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MUNICIPAL CLERK

excess of parking lots and no greenspace; we need to carefully consider what direction we are taking with respect to this area.

**MOVED by Councillor Brice and Seconded by Councillor Wergeland:
“That it be recommended that:**

- 1. Council approve and issue Development Permit DPR2007-00020 on Lot A, Section 7, Victoria District, Plan VIP79665 (3371 Oak Street);**
- 2. Development Permit Amendment DPA00669 be approved; and**
- 3. Prior to ratification of the Development Permit Amendment DPA00669 that the following be completed:**
 - a) Registration of an access easement and covenant for a shared driveway between 3371 and 3361 Oak Street.**
 - b) Receipt of bonding for road and sidewalk improvements in the amount of \$55,930.00.**
 - c) Receipt of landscape bonding in the amount of \$103,260.04.”**

Councillor Brice stated:

- She feels that the application is reasonable and she supports it; the Planner’s recommendation protects the public interest in that there is a requirement to go ahead with certain commitments at this time.

Councillor Derman stated:

- He does not support the application; the vision identified in the Regional Growth Strategy for this area is for a major centre and a complete community; the lack of planning for this area is unfortunate.
- One of the critical factors associated with this particular application, is that this site was not to become a car lot and that there would always be a building on the subject corner; to go against that is inconsistent with any regional and municipal policies.

Councillor Wergeland stated:

- He feels that this is an opportunity for the owner to undertake something more visionary and interesting in the future; the dynamics of the economy has changed and the owner has leased the adjacent property since he initially came forward to Council.

Councillor Brownoff stated:

- She understands the economic implications associated with the application; however, the owner has not made any commitment on when a new building will be constructed on this site; she would not want this site to remain a parking lot for vehicles indefinitely.

Councillor Gerrard stated:

- He is very reluctant to approve the application; while he understands the financial constraints there is no date for when the building will be constructed.

Councillor Murdock stated:

- While he is sympathetic to the proponents he is not comfortable

approving the application; if there were some guarantees on when we would see this site utilized and its potential recognized it would be easier to support.

Mayor Leonard stated:

- There are concerns about suspending Clause 3 of the Covenant and it not coming back to Council for future review; perhaps the Solicitor should be asked to review it.

MOVED by Mayor Leonard and Seconded by Councillor Brownoff: “That consideration of the Development Permit application for 3371 Oak Street be postponed, pending further clarification from the Municipal Solicitor with respect to the Covenant and ensuring future construction.”

Councillor Brownoff stated:

- Council recently considered a development permit application and there was wording that said if the building was not built or started within 24 months then the municipality had the right to put them on notice; perhaps we could consider something like that.

The Motion was then PUT and CARRIED

Cadboro Bay Road
Development
Variance Permit

3917 CADBORO BAY ROAD – DEVELOPMENT VARIANCE PERMIT – ELIZABETH AND ROLAND BEAULIEU

Report of the Director of Planning dated April 9, 2009 recommending Development Variance Permit DVP00265 not be supported.

Mr. R. Beaulieu, owner and applicant, stated:

- The pergola was constructed under the belief of the contractor that because it was an open structure and built as a garden feature, it did not require a building permit; it was built over the existing concrete parking pad and is meant to mitigate the view of vehicles from the road.
- The pergola was built at the same time as the renovations to the dwelling and garage were undertaken; however, it was not until it was completed that the building inspector deemed it was a building and not a garden feature, and therefore required a building permit and had to be set back 7.5 metres from the road.
- He applied to the Board of Variance for a relaxation to the setback requirements but it was denied on the basis that removal or relocation of the structure would not create a hardship; the Board suggested that it could be moved to the garden area next to the garage.
- They still need the existing parking pad for vehicle turnaround onto Cadboro Bay Road; perhaps the pergola could remain in place but not have any vegetation planted around it so that it remains an open structure and still provides a good viewscape for pedestrians from the road.
- The Cordova Bay Residents’ Association does not support the application; however, they have support from five of the neighbouring residences for the requested variance.

Mr. B. Leith, 3923 Cadboro Bay Road, stated:

- He lives immediately adjacent to the subject property in the house that he helped his father build in 1953.
- He and four of the other neighbours support the proposed variance; they feel that the renovations and the pergola are an enhancement to the neighbourhood and that moving the pergola would impact the existing lawn and fruit trees.

Councillor Gerrard stated:

- In his opinion, the position of the parking pad is in an ideal location as it makes it safer for vehicles to turn out onto Cadboro Bay Road.
- He feels that building the pergola over the parking pad without a permit was a genuine mistake; it is an attractive structure and he will support the variance.

Councillor Sanders stated:

- While she agrees that building the pergola without a building permit may have been a mistake, she does not think moving it would be a hardship; the parking pad can still be used as a turnaround.

MOTION:

MOVED by Councillor Wergeland and Seconded by Councillor Gerrard: "That it be recommended that Council approve and issue Development Variance Permit DVP00265 on Lot C, Section 44, Victoria District, Plan 14495 (3917 Cadboro Bay Road)."

Councillor Wergeland stated:

- He does not think that the pergola impacts sight lines or the streetscape; he feels it is a very attractive structure.

Councillor Derman stated:

- He accepts that the applicants made an honest mistake with respect to not getting a building permit prior to the construction of the pergola.
- The neighbours support the variance and feel that the pergola enhances the streetscape.

Councillor Brownoff stated:

- The Planner's report states that when the overgrowing vegetation matures on the pergola, it will impact the viewscape for pedestrians on the street; while the neighbours are supportive of the structure she is not comfortable with any vegetation being planted around it.
- She does not think there would be any impacts by moving the pergola onto the lawn; it is a difficult situation because the Board of Variance did not support the variance.

Councillor Murdock stated:

- He believes that the Board of Variance was sound in their reasoning and that moving the structure would not create a hardship; he is not comfortable overturning the Board's decision.

CARRIED,

with Councillors Brownoff, Murdock, and Sanders voting against.

Tennyson Avenue
Rezoning

3304 AND 3308 TENNYSON AVENUE – REZONING APPLICATION – DENNIS CARLSEN CONSULTING

Report of the Director of Planning dated April 15, 2009 recommending the rezoning from RD-1 to M-1DW and Development Permit DPR00396 be approved, and that prior to final reading an easement over 3312/3316 Tennyson Avenue be registered to provide access for the subject property.

Mr. D. Carlsen, Dennis Carlsen Consulting, applicant, stated:

- The proposal is to rezone the subject property and convert an existing duplex to office space and lease it for contractors' use; as part of the proposal the owner intends to retain the gravel area at the rear of the property and use it for parking and loading.
- In order to use the gravel area for parking they require a parking variance of one parking space; the owner is prepared to implement a stormwater management plan that will manage the rainwater from the roof of the existing building and the discharge from the gravel parking area.
- They are also proposing to provide two boulevard trees and plant additional shrubs on the Tennyson Road frontage; five Maple trees with shrub and groundcover plantings are proposed for the rear of the property to provide a landscape screen.
- The owner is also prepared to plant additional landscape screening between the adjacent property at the corner of Tennyson Avenue and Banga Place, and plant some ivy along the existing chain link fence as well as some Flowering crab apple trees.

Mr. K. Whitcroft, 1044 Inverness Road, stated:

- He hopes that the ivy the applicant is proposing to plant along the chain link fence is not the kind that is invasive.

Ms. C. Garside, 114 Cadillac Avenue, stated:

- She would prefer that the applicant consider planting something other than ivy along the fence; perhaps evergreen clematis could be considered.

MOTION:

MOVED by Mayor Leonard and Seconded by Councillor Brice: "That a Public Hearing be called to further consider the rezoning application for 3304 and 3308 Tennyson Avenue."

CARRIED

Leabrook Place
Heritage Alteration
Permit

1824 LEABROOK PLACE – HERITAGE ALTERATION PERMIT – BOB AND BRANDIE YARISH

Report of the Director of Planning dated May 4, 2009 recommending approval of Heritage Alteration Permit HAP00001.

Mr. B. Yarish, applicant, 1824 Leabrook Place, stated:

- The proposal is to alter and replace two exterior windows as part of an interior kitchen renovation; one window will be reduced in size and the other window will be increased and moved slightly.
- Vintage Woodworks will be constructing the windows and they will replicate the other windows in the house by having a single pane glass with mutton bars.

MOTION:

MOVED by Councillor Derman and Seconded by Councillor Wergeland: “That it be recommended that Council approve and issue Heritage Alteration Permit No. HAP00001 on Lot 1, Section 84, Victoria Land District, Plan 29592 (1824 Leabrook Place).”

Councillor Derman stated:

- The Saanich Heritage Foundation reviewed the proposal and did not have any concerns provided that the alterations matched the character and style of the original windows.

Councillor Sanders stated:

- She compliments the owners on a very sensitive renovation to their heritage designated dwelling; they recognize the heritage values and history of their home and the importance of stewardship.

The motion was then PUT and CARRIED

Adjournment

On a motion from Mayor Leonard, the meeting adjourned at 8:25 p.m.

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CHAIR

I hereby certify these Minutes are accurate.

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MUNICIPAL CLERK